

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MICHAEL S. CRAFT

v.

COMMISSIONER, SSA

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Civil Action No. 4:18-CV-81

(Judge Schell/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 8, 2019, the report of the Magistrate Judge (Dkt. #22) was entered containing proposed findings of fact and recommendations that the Commissioner's Opposed Motion to Remand be granted,¹ that the Commissioner's decision denying Plaintiff's application for Title II disability insurance benefits be vacated under sentence four of 42 U.S.C. 405(g), and that the matter be remanded under the fourth sentence of 42 U.S.C. § 405(g) to the Commissioner for further administrative proceedings, which shall include but is not be limited to (1) obtaining medical expert testimony regarding the onset date of the claimant's alleged disability and (2) issuing a new decision prepared in accordance with all applicable rules and regulations including specifically SSR 83-20.

The court, having made a *de novo* review of the objections raised by Plaintiff (Dkt. #23), as well as Defendant's response (Dkt. #25), is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiff are without merit. Therefore, the

¹ The Commissioner does not request in its Motion to Remand that the ALJ's decision finding Plaintiff entitled to SSI be reversed and Plaintiff specifically requests the court to affirm such decision. The court in granting the Motion to Remand does not intend to disturb the portion of the Commissioner's decision finding that Plaintiff was disabled as of January 1, 2014 and entitled to SSI; the reversal herein is related only to the decision with respect to Plaintiff's application for DIB.

court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the court.

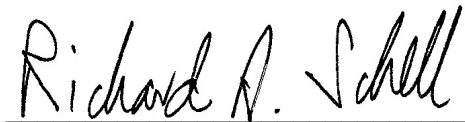
It is, therefore, **ORDERED** that Commissioner's Opposed Motion to Remand (Dkt. #16) is **GRANTED**.

It is further **ORDERED** that the Commissioner's decision denying Plaintiff's application for Title II disability insurance benefits is **VACATED** and **REMANDED** under the fourth sentence of 42 U.S.C. § 405(g) to the Commissioner for further administrative proceedings.

It is further **ORDERED** that the Commissioner shall obtain any necessary medical expert testimony within sixty (60) days of this Order.

IT IS SO ORDERED.

SIGNED this the 19th day of March, 2019.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The last name "Schell" is written with a large, prominent "S". The signature is positioned above a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE